

**SPECIAL PUBLIC NOTICE**  
*Nationwide Permits for Arizona*  
Section 401 Conditions Modified for ADOT Activities

Two Section 401 conditions have been modified for all Arizona Department of Transportation (ADOT) activities requiring a Nationwide Permit (NWP) as a result of an agreement between the Arizona Department of Environmental Quality and ADOT. The affected conditions pertain to requirements to obtain other permits, certifications and licenses for a proposed activity, and limitations on the size of construction materials. For most NWPs, these conditions are numbered 2 and 4, respectively.

The following sections identify the original and modified wording for both conditions. The modified wording must be used by activity proponents in the environmental clearance and/or engineering specifications, as appropriate.

**Section 401 Condition No. 2**

Original Wording

The Permittee is responsible for obtaining all other permits, certifications and licenses that may be required by federal, state or local authorities. Activities which may require other approvals include: construction activities disturbing greater than five acres of land [NPDES Stormwater Permit], use of reclaimed wastewater for dust control or irrigation [Reclaimed Water Permit], or dewatering of construction sites to a surface waterbody [NPDES Process Wastewater Permit].

Modified Wording

The contractor is responsible for obtaining all other permits, certifications, and licenses that may be required by federal, state, or local authorities. Activities which may require other approvals include: construction activities (Arizona Pollutant Discharge Elimination System Stormwater Permit), use of reclaimed wastewater for dust control or irrigation (Reclaimed Water Permit), or dewatering of construction sites to a surface waterbody (Arizona Pollutant Discharge Elimination System Process Wastewater Permit).

**Section 401 Condition No. 4**

Original Wording

Earthen fill placed in locations subject to scour shall contain not more than ten percent (10%) of particles finer than 0.25 mm diameter (passing a No. 60 sieve, on a dry weight basis).

Modified Wording

Material used for the construction of dikes, berms, or channels shall contain no more than 10% of particles finer than 0.297 millimeter diameter (passing a No. 50 sieve) on a dry weight basis. The contractor shall provide to the Engineer a letter of certification that such materials meet these requirements. Such requirements shall be in addition to all other earthwork and material requirements specified in the *Arizona Department of Transportation Standard Specifications for Road and Bridge Construction*, Section 203 (2000 Edition), "Earthwork."